

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:01CR219
)	
v.)	
)	
HOWARD L. MARION,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion to enforce sentence imposed (Filing No. 172). The defendant has reviewed in his motion the medical problems which he has experienced since he has been incarcerated, then makes reference to the Court's recommendation to the Bureau of Prisons contained in the transcript of the sentencing hearing that if the defendant's "condition continues to deteriorate substantially, the Court authorizes the Bureau of Prisons to terminate his incarceration and allow him to return home where he will go on supervised released."

The judgment and committal order of the Court (Filing No. 119) substantially reflects this recommendation to the Bureau of Prisons. The Court has reviewed the defendant's motion and believes that the Bureau of Prisons is complying with the Court's judgment and committal order. It lies in their discretion to make this determination based upon the medical information they have and their continued monitoring of defendant's health

problems. For these reasons, the Court will deny the motion to enforce sentence imposed. Accordingly,

IT IS ORDERED that defendant's motion to enforce sentence imposed is denied.

DATED this 28th day of April, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court